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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Ethiopia

1. The Committee considered the initial report of Ethiopia (CRC/C/8/Add.27) at its 349th to 351st meetings (CRC/C/SR.349-351) held on 9 and 10 January 1997 and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for engaging in an open and constructive dialogue with the Committee. It welcomes the submission of the initial report of Ethiopia, which follows the Committee's guidelines for the preparation of States parties' initial reports, as well as written answers to its list of issues (CRC/C/Q/ETH.1), although it notes that a number of the questions asked were not answered. The Committee particularly wishes to express its satisfaction at the self-critical approach of the report in identifying a number of areas of concern, and it welcomes the willingness expressed by the delegation that the suggestions and recommendations made during the discussion would be duly taken into account by the Ethiopian authorities.

B. Positive factors

3. The Committee notes with appreciation the steps taken since 1991 to set up democratic institutions in the country. It welcomes the adoption of a new Constitution, which incorporates international standards in the field of human rights, including, in its article 36, a specific reference to some of the rights enshrined in the Convention on the Rights of the Child.

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* At the 371st meeting, held on 24 January 1997.

4. The Committee notes with satisfaction that the Convention, as well as other international treaties dealing with human rights, are incorporated into domestic law, and that article 13 of the Constitution states that human rights provisions of the Constitution are to be interpreted in line with international human rights instruments ratified by Ethiopia.

5. The Committee also welcomes the political commitment within the country to improve the situation of children, which finds expression notably through the setting up of an Inter-ministerial Legal Committee to review national legislation and its compatibility with the provisions of the Convention, through the establishment of committees on the rights of the child at the national, regional, zonal and woreda levels, as well as through the adoption of a National Plan of Action and the establishment of a ministerial committee to monitor its implementation.

6. The Committee is encouraged by the combined efforts undertaken by the Government and international or non-governmental organizations to protect and promote children's rights, in particular in the field of information on HIV/AIDS and information campaigns on harmful traditional practices affecting children. With regard to the latter, the Committee welcomes the establishment of the National Committee on Traditional Practices to develop information and sensitization campaigns on all forms of harmful traditional practices affecting the health of women and children, with a particular emphasis on female genital mutilation.

7. The Committee notes with appreciation that primary education has been made free, although it regrets that it has not yet been made compulsory.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee acknowledges that the State party has had to face, during the past few years, economic, social and political challenges, due, inter alia, to years of civil war and the transition to democracy. It notes the existence of interregional and urban/rural disparities, in particular with regard to the availability of resources and infrastructure, which may lead to discrimination in the enjoyment of the rights provided for in the Convention. Furthermore, the Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the provisions of the Convention, especially with regard to the girl child.

D. Principal subjects of concern

9. The Committee notes that, although the notification of the ratification of the Convention by Ethiopia was published in the Official Gazette, the full text of the Convention has to date not been published in the Gazette, thus making it difficult for law enforcement officials, judicial personnel and other professionals working with and for children to have access to and an understanding of its provisions.

10. The Committee also notes that there is a lack of awareness and understanding in the State party of the principles and provisions of the Convention. In this regard, the Committee is concerned at the lack of adequate and systematic training provided to law enforcement officials, judicial personnel, teachers, social workers and medical personnel. The Committee further notes that insufficient attention has been paid in practice as well as in the legislation to the principles of the best interests of the child, respect for the child's views and the child's participation in family, social and school life.

11. The Committee notes with concern the lack of adequate mechanisms for the collection of reliable quantitative and qualitative data on the situation of children throughout the country, which hinders the effective assessment by the authorities of the situation of each and every group of children in all parts of the country, and thus makes the adoption of targeted policies in the field of the protection of the rights of children difficult.

12. The Committee expresses its concern about the negative effects of poverty on the situation of children in Ethiopia, as illustrated by the high levels of infant and under-five mortality rates and malnutrition, and at the low levels of school enrolment, education, immunization coverage and health services in general.

13. The Committee notes with concern the non-compatibility of certain provisions of domestic law with the principles and rights enshrined in the Convention, such as the provision for a different minimum age of marriage between girls (15 years of age) and boys (18 years of age), the provision in the Penal Code for the possibility to sentence children to corporal punishment, the provision in the Civil Code for "light bodily punishment" as an educative measure within the family and the limitation of the right to counsel when the child may be represented by his or her parents or legal guardian during legal proceedings.

14. The Committee remains concerned at prevailing traditional attitudes and harmful practices, such as female genital mutilation, early marriages and teenage pregnancies, and at the persistence of discriminatory social attitudes against vulnerable groups of children, such as the girl child, disabled children, children born out of wedlock and children affected by or infected with HIV/AIDS, including orphans.

15. The Committee is concerned that insufficient steps have been taken to ensure the registration of children after birth and that the State registration procedure is hampered in practice by the lack of registration desks, especially in rural areas. The Committee also expresses its concern in relation to the lack of adequate means available for the registration of refugee children.

16. The Committee is concerned that, since children are able to lodge complaints only through their parents or legal guardians, the right to adequate recourse and complaint procedures for children victim of abuse, including sexual abuse, neglect or ill-treatment within their families, does

not seem to be secured. The Committee is also concerned that the enjoyment by children of their right to participate actively in the promotion of their own rights does not seem to be guaranteed.

17. The Committee is concerned at the low levels of school enrolment and at the high drop-out rates, especially among girls, at the lack of learning and teaching facilities and at the shortage of trained teachers, in particular in rural areas. It shares the concerns expressed in the State party's report that the school curricula are divorced from cultural and social realities, and regrets that they do not yet include a programme of education on human rights and children's rights. Moreover, the Committee expresses the concern, as mentioned above, that primary education has not yet been made compulsory.

18. The Committee expresses the concern that the systems of national and intercountry adoptions are not fully in conformity with the provisions of article 21 of the Convention, in particular article 21 (a), and with the principles of the best interests of the child and respect for his or her views.

19. The Committee is also concerned at the situation of children in especially difficult circumstances, including children living and/or working in the street, and at the incidence of child labour, in particular in the informal sector.

20. The Committee is deeply concerned at the present system of juvenile justice, which is not in conformity with articles 37, 39 and 40 of the Convention. It is particularly concerned about the setting of the age of criminal responsibility at 9 years and that as from the age of 15 years, children are treated as adults. In this regard, the Committee regrets that it was not made clear during the discussion whether the latter means that children above 15 years of age may be sentenced to life imprisonment or detained together with adults. Furthermore, the Committee expresses concern at the possibility, mentioned above, provided for in article 172 of the Penal Code to sentence children to corporal punishment at the sole discretion of the judge, in particular with regard to the "bad or good character" of the child in determining the penalty to be applied to the child, and at the possible limitations of the right to legal counsel.

21. In the light of article 39 of the Convention, the Committee is also concerned at the insufficient measures taken by the authorities for the physical and psychological recovery and social reintegration of children victims of war.

E. Suggestions and recommendations

22. The Committee recommends that the full text of the Convention be published in the Official Gazette and that training manuals incorporating the text of the Convention be published for the professional groups working with or for children.

23. The Committee encourages the Government to continue its efforts aimed at promoting awareness and understanding of the principles and provisions of the Convention, in the light of article 42 of the Convention, in particular by

ensuring the translation and publication of the text of the Convention in all national languages. Such measures would promote change in persisting negative attitudes towards children, particularly girls, disabled children, children born out of wedlock, children affected by or infected with HIV/AIDS, including orphans, and contribute to abolishing traditional practices prejudicial to the health and well-being of children, such as female genital mutilation, early marriages and teenage pregnancies. Such efforts should be pursued in close cooperation with community and religious leaders and non-governmental organizations, at all levels of the State, i.e. national, regional, zonal and woreda levels, and special emphasis should be placed on the need to coordinate the policies designed to implement the Convention between central and local authorities.

24. The Committee also encourages the State party to provide systematic training on the principles and rights enshrined in the Convention to the professional groups working with and for children, such as law enforcement officials, judicial personnel, personnel in child-care institutions, teachers, social workers and medical personnel, as well as to the personnel entrusted with the task of ensuring data collection in the areas covered by the Convention. Similarly, attention should be given to incorporating the Convention in school curricula, as recommended by the General Assembly in proclaiming the United Nations Decade for Human Rights Education, and by the 1993 World Conference on Human Rights.

25. The Committee also recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention in the country. It further recommends that the setting up of an independent mechanism, such as an Ombudsperson on the Rights of the Child or a Human Rights Commission, to ensure observance of children's rights, be considered.

26. The Committee recommends that the system of data collection be improved at the central and local levels of the State, and that it comprise all the areas covered by the Convention. Such a system should include all groups of children, with particular emphasis on vulnerable groups of children and on children in especially difficult circumstances, and adequate disaggregated data should be identified with a view to assessing progress achieved in the realization of children's rights and defining the policies to be adopted to better implement the provisions of the Convention. With regard to the latter, the Committee suggests that further studies and follow-up surveys on vulnerable groups of children be initiated and it recommends that the State party consider requesting technical assistance from the United Nations Children's Fund (UNICEF) to address this question.

27. The Committee recommends that the Government pursue the process of bringing existing legislation into line with the provisions of the Convention and that the best interests of the child be fully taken into account in the drafting of new legislation. In this regard, the Committee particularly recommends that the provisions for the minimum age of marriage for girls at

15 years, the sentencing of children to corporal punishment, the "light bodily punishment" as an educational measure within the family, and the limitation of the right to legal counsel of children be abolished as a matter of priority.

28. The Committee recommends that with respect to the implementation of article 4 of the Convention, budget allocations should be made to the maximum extent of the State party's available resources and should give priority to the realization of the economic, social and cultural rights of children, including the rights to health, education and rehabilitation, and that particular attention be paid to children belonging to the most disadvantaged groups, such as girls, disabled children, children living in rural areas, children living and/or working in the street, children involved in the administration of juvenile justice system and children affected by or infected with HIV/AIDS, including orphans. In this regard, and with a view to contributing to the maximum use of scarce resources, the Committee recommends that the State party accord greater attention to the development of a primary health-care system, which would develop a culture of nutrition, hygiene and sanitation.

29. The Committee recommends that special efforts be developed to guarantee an effective system of birth registration, in the light of article 7 of the Convention, to ensure the full enjoyment of their fundamental rights by all children. Such a system would serve as a tool in the collection of statistical data, in the assessment of prevailing difficulties and in the promotion of progress in the implementation of the Convention. Similarly, the Committee recommends that an adequate system of registration of refugee children be established to ensure that their rights are protected.

30. The Committee also recommends that greater efforts be made to promote the participation of children in family, school and social life, and the effective enjoyment of their fundamental freedoms, including the freedom of opinion, expression and association.

31. With reference to the implementation of article 19 of the Convention, the Committee recommends that a system of complaints aimed at children victims of any form of violence, abuse, including sexual abuse, neglect, maltreatment or exploitation, even while in the care of their parents, be established, as a means to ensure protection of and respect for their rights. It further recommends that cases of abuse be properly investigated, sanctions applied to the perpetrators and publicity given to the sanctions applied to such crimes. The Committee also recommends that a comprehensive and integrated public information campaign be elaborated with a view to preventing and combating all forms of abuse of children and that all necessary measures be taken to ensure the physical and psychological recovery and the social reintegration of children victims of the war, in the light of article 39 of the Convention.

32. The Committee recommends that appropriate legislative measures be adopted and implemented with regard to adoption of children, in the light of the principles of the best interests of the child and respect for his or her views and articles 20 and 21 of the Convention. Furthermore, the Committee recommends that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

33. In the area of child labour, the Committee recommends that appropriate measures be adopted with a view to reflecting fully the Convention, in particular article 32, in legislation and practice, and suggests that consideration be given by the State party to ratifying ILO Convention No. 138 on minimum age for admission to employment. The Committee also suggests that the State party consider seeking cooperation with ILO in this area.

34. With regard to the administration of juvenile justice, the Committee recommends that legal reform be pursued and that the State party take fully into account the provisions of the Convention, in particular articles 37, 39 and 40 as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The Committee also recommends that the State party avails itself of the technical assistance programmes of the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat.

35. The Committee recommends that special protection measures be adopted and implemented in relation to children living and/or working in the street, children in conflict with the law, in particular those deprived of liberty, children affected by or infected with HIV/AIDS, including orphans, abused and exploited children and children involved with child labour.

36. The Committee recommends that a meeting be organized, gathering international organizations working in the country, including agencies and organizations of the United Nations system and non-governmental organizations, and competent national authorities, with the aim of assessing the needs for further international assistance with regard to the promotion and protection of the rights of the child.

37. The Committee recommends that the State party's next periodic report incorporate information on the measures taken and progress achieved in the implementation of the suggestions and recommendations made by the Committee in the present concluding observations.

38. Finally, the Committee recommends that in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by Ethiopia be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.